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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT TACOMA

9                   UNITED STATES OF AMERICA,  
10                   Plaintiff,  
11                   v.  
12                   MICHAEL STEFFEN,  
13                   Defendant.

Case No. CR04-5516FDB

ORDER DISMISSING THE  
PETITION AND CLAIM OF  
SUSANNE M. WHITE TO REAL  
PROPERTIES OWNED BY  
MICHAEL STEFFEN

14                 Before the Court is Plaintiff's motion to dismiss the petition of Susanne M. White  
15 asserting an interest in real properties owned by Defendant Michael Steffen. Ms. White has  
16 asked that her interest be determined by the Court upon her written petition and without  
17 formal hearing. The Court, having reviewed the petition, opposition, and the balance of the  
18 record, finds, for the reasons set forth below, that the petition should be dismissed.

19                   I.

20                 On March 3, 2005 this Court entered a Preliminary Order of Forfeiture, declaring that  
21 the interest of Defendant Michael Steffen in two parcels of real property (540 3<sup>rd</sup> Avenue,  
22 Fox Island, Washington and 3602 92<sup>nd</sup> Avenue, Gig Harbor, Washington), were forfeited to  
23 the United States. Pursuant to 21 U.S.C. § 853(n) the United States was required to publish  
24 notice of its intent to dispose of the forfeited property and to provide written notice to all  
25 persons known to have alleged an interest in the property. On April 18, 2005, Ms. White

26 ORDER - 1

1 filed a petition asserting an interest in "real properties owned by Michael Steffen."

2 II.

3 Ms. White claims to have advanced certain funds to her brother, Defendant Michael  
4 Steffen, in connection with this litigation. Even assuming such funds were advanced as  
5 alleged, such action did not create any cognizable interest in either of the forfeited  
6 properties. No mortgage, deed of trust or other lien instrument has been presented to this  
7 Court to establish that the debt is secured by either of the forfeited properties.

8 Additionally, and assuming Ms. White's advancement of funds created an interest in  
9 the forfeited properties, such interest is not protected against forfeiture because it was  
10 acquired after the commission of the offense giving rise to the forfeiture and cannot be  
11 recognized by the Court in an ancillary proceeding conducted pursuant to 21 U.S.C. §  
12 853(n). Ms. White's interest is only be recognizable if she qualifies as a bona fide  
13 purchaser for value who, at the time of purchase, was reasonably without cause to believe  
14 that the properties were subject to forfeiture. However, as Ms. White claims that the funds  
15 were advanced in connection with her brother's defense and an appraisal commissioned  
16 after the indictment was returned, she was plainly on notice that the properties were subject  
17 to forfeiture and cannot be considered a bona fide purchaser without notice.

18 ACCORDINGLY,

19 IT IS ORDERED:

20 (1) The petition and claim of Susanne M. White (Dkt. #95) is DISMISSED.

21 DATED this 16th day of June, 2005.



22  
23 FRANKLIN D. BURGESS  
24 UNITED STATES DISTRICT JUDGE  
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